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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/554,215	09/05/2006	Ola Bostrom	12400-049	8273
757 7590 BRINKS HOFER GILSON & LIONE P.O. BOX 10395 CHICAGO, IL 60610			EXAMINER TO, TOAN C	
			ART UNIT 3616	PAPER NUMBER
			MAIL DATE 09/02/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/554,215

Applicant(s)

BOSTROM ET AL.

Examiner

TOAN C. TO

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2009.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-11 is/are rejected.
7) ☒ Claim(s) 12-14 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 24 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 4-6, and 10-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakano (U.S. 5,499,840).

Nakano discloses an air-bag arrangement in a motor vehicle having at least a first and second vehicle seats (20A, 20B) positioned adjacent one another to provide side-impact protection for the occupant of one of the seats, the air-bag arrangement comprising two air-bag units (40a, 40b) provided for at least one of the seats; the two airbag units including a first air-bag unit containing an inboard air-bag (40b) to be deployed to occupy a space on an inboard side of the seat and a second air-bag unit (40a) containing an outboard air-bag to be deployed to occupy a space on an outboard side of the seat, a sensor (51a, 51 b) and control arrangement connected to the first and second airbag units, the sensor and control arrangement configured to sense a side impact of the vehicle and to determine which side of the vehicle has been impacted (see column 4, first paragraph), and to generate actuation signals capable of actuating only the first or second air-bag unit closest to the point of impact; wherein the sensor (51a, 51 b) and control arrangement is configured to generate actuation signals capable of actuating only the one of the first or second air-bag unit associated with the first and the

second seats closest to the point of impact, wherein both first and second air-bag units is mounted in the backrest (21) of the seat (20a, 20b).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakano in view of Hosoda et al (U.S. 6,123,357).

Nakano discloses every element of the invention as discussed above except that at least one seat of the first or second seats is provided with a sensor to sense the presence of an occupant in the seat, the sensor enabling actuation of the at least one of the first or second air-bag units associated with that seat in response to the actuation signal from the sensor and control unit.

Hosoda et al teaches the seat (13) is provided with a sensor (18) to sense the presence of an occupant in the seat, the sensor enabling actuation of the at least one of the first or second air-bag units associated with that seat in response to the actuation signal from the sensor and control unit.

It would have been obvious to one having ordinary skill in the art as the time the invention was made to modify the protection system of Nakano by using the teaching of Hosoda et al in order to ensure proper performance of the airbag for protecting occupant.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakano in view of United Kingdom Patent Application (GB-2309440).

Nakano discloses every element of the invention as discussed above except that wherein at least one of the first or the second air-bag units is mounted in an adjacent pillar of the motor vehicle.

GB-2309440 teaches the invention, wherein at least one of the first or the second air-bag units is mounted in an adjacent pillar of the motor vehicle (see figure 2).

It would have been obvious to one having ordinary skill in the art as the time the invention was made to modify the protection system of Nakano by using the teaching of GB-2309440 in order to protect occupant.

6. Claim 8-9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakano in view of Townsend (U.S.5,531,470).

Nakano discloses every element of the invention as discussed above except that wherein at least one of the first or second seats is provided with a three-point safety-belt; wherein the belt is provided with a pretensioner.

Townsend teaches the invention, wherein at least one of the first or second seats is provided with a three-point safety-belt (32); wherein the belt is provided with a retensioner (28).

It would have been obvious to one having ordinary skill in the art as the time the invention was made to modify the protection system of Nakano by using the teaching of Townsend in order to protect occupant.

Response to Arguments

7. Applicant's arguments filed May 4, 2009 have been fully considered but they are not persuasive. The prior art still read on the invention as claimed.

8. In response to applicant's arguments that Nakano fails to disclose a sensor and control arrangement is connected to the first and second airbag units and is configured to sense a side impact of the vehicle and to generate actuation signals capable of actuating only one of the airbag units that is closest to the point of impact, the examiner respectfully disagrees for the following reasons: Nakano discloses an inboard airbag 40b to be deployed to occupy a space on an inboard side of the vehicle seat and an outboard airbag 40a to be deployed to occupy a space on an outboard side of the vehicle seat, a sensor 51a and a control arrangement configured to sense a side impact of the vehicle and to determine the driver side of the vehicle has been impacted, and to generate actuation signals capable of actuating the airbag 40a which is closest to the driver side impact point (see column 4) and a sensor 52a generates actuation signal capable of actuating the inside airbag 40b; in other words, the sensor 51a and a control arrangement is capable of actuating only the outboard airbag 40a but not the airbag 40b.

Allowable Subject Matter

9. Claims 12-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TOAN C. TO whose telephone number is (571)272-6677. The examiner can normally be reached on Mon-Fri (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on (571) 272-7742. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Toan C To/
Primary Examiner, Art Unit 3616
August 31, 2009